

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)	
)	
v.)	CR-04-43-B-W-04
)	
WILLIAM AHRENDT)	

ORDER ON DEFENDANT'S *PRO SE* MOTION TO REDUCE SENTENCE

On September 21, 2005, on the third day of trial, a federal jury found William Ahrendt guilty of engaging in a conspiracy to distribute 500 grams or more of cocaine and of engaging in a conspiracy to distribute 5 grams or more of cocaine base. *Verdict* (Docket # 380). On January 19, 2006, the Court sentenced Mr. Ahrendt to 210 months of incarceration, the lowest sentence under the applicable sentencing guideline range. *J.* (Docket # 451). Mr. Ahrendt appealed to the Court of Appeals for the First Circuit. On March 19, 2009, the First Circuit affirmed Mr. Ahrendt's conviction but remanded the case for resentencing to allow the Court to consider the impact of an intervening amendment in the United States Sentencing Commission guidelines regarding the grouping of prior convictions. *J.* (Docket # 540). Although Mr. Ahrendt is represented by counsel, on February 5, 2010, acting *pro se*, he moved to reduce his sentence. *Mot. for Sentence Reduction* (Docket # 565).¹ On February 11, 2010, the Government filed a response. *Gov't's Resp. to Def.'s Pro Se Mot. for Sentencing Reduction* (Docket # 566). The Government suggests the Court consider the merits of Mr. Ahrendt's motion at the time of resentencing. *Id.*

The Court agrees with the Government. Mr. Ahrendt is currently undergoing a psychiatric evaluation, which should be completed in the near future. Once the evaluation is

¹ Mr. Ahrendt's counsel has filed a motion to withdraw; however, the Court has not acted on the motion pending resolution of the psychiatric examination currently being carried out by the Bureau of Prisons.

completed, the Court will take further action in Mr. Ahrendt's case and, if that action involves resentencing, the Court will take up his request for a reduction in his term of incarceration. However, as the timing of his resentencing depends in large part upon the unknown results of the pending evaluation, the wisest course appears to be to dismiss the request for a sentence reduction without prejudice and to consider Mr. Ahrendt's request when he returns for resentencing. Further, as there will likely be a resentencing hearing, it seems appropriate to allow Mr. Ahrendt to present an in person argument and, if he chooses, to allocute before ruling on the merits of his pending motion.

The Court DISMISSES without prejudice William Ahrendt's Motion for Reduction of Sentence (Docket # 565) and instead will consider his request when he is resented.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of March, 2010